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17 UNITED STATES DISTRICT COURT  
18 NORTHERN DISTRICT OF CALIFORNIA  
19 SAN FRANCISCO DIVISION

20 WAYMO LLC,

Case No. 3:17-cv-00939-WHA

21 Plaintiff,

**DECLARATION OF MICHELLE  
YANG IN SUPPORT OF  
DEFENDANTS' ADMINISTRATIVE  
MOTION TO FILE UNDER SEAL  
PORTIONS OF THEIR OPPOSITION  
TO PLAINTIFF WAYMO LLC'S  
MOTION FOR PRELIMINARY  
INJUNCTION, SUPPORTING  
DECLARATIONS, AND EXHIBITS  
THERETO**

22 v.

23 UBER TECHNOLOGIES, INC.,  
OTTOMOTTO LLC; OTTO TRUCKING LLC,

24 Defendants.

25 Trial Date: October 2, 2017

1 I, Michelle Yang, declare as follows:

2       1. I am an attorney at the law firm of Morrison & Foerster LLP. I am a member in  
3 good standing of the Bar of the State of California. I make this declaration based upon matters  
4 within my own personal knowledge and if called as a witness, I could and would competently  
5 testify to the matters set forth herein. I make this declaration in support of Defendants'  
6 Administrative Motion to File Under Seal Portions of Their Opposition to Plaintiff Waymo  
7 LLC's Motion For Preliminary Injunction, Supporting Declarations, and Exhibits Thereto.

8       2. Some of the highlighted portions of the Defendants' Sur-Reply to Plaintiff's  
9 Motion for Preliminary Injunction ("Sur-Reply"), the Supplemental Declarations of Michael  
10 Lebby ("Lebby Declaration"), Scott Boehmke ("Boehmke Declaration"), and James Haslim  
11 ("Haslim Declaration") discuss Uber's proprietary and highly confidential designs for Uber's  
12 custom LiDAR system. These portions are highlighted in blue. The design of Uber's custom  
13 LiDAR system is an Uber trade secret which, if made public, would cause Uber irreparable harm  
14 in this very competitive space of autonomous driving.

15       3. Some of the highlighted portions of Exhibit E to the Boehmke declaration, Exhibit  
16 B to the Haslim Declaration, Exhibit 26 to the Lebby Declaration, and Exhibit 14 of the  
17 Supplemental Declaration of Esther Chang ("Chang Declaration") likewise discuss Uber's  
18 proprietary and highly confidential designs for Uber's custom LiDAR system. These portions are  
19 highlighted in blue. The design of Uber's custom LiDAR system is an Uber trade secret which, if  
20 made public, would cause Uber irreparable harm.

21       4. The entireties of Exhibits A, B, C, and D to the Boehmke Declaration contain  
22 defendants' technical, proprietary trade secret information, which is highly confidential. Exhibits  
23 A and B are emails discussing the development of a proprietary design, and Exhibits C and D are  
24 detailed charts of design and performance specifications. If this information was made public, it  
25 could irreparably harm Defendants.

26       5. The entirety of Exhibit A to the Haslim Declaration likewise contains highly  
27 confidential trade secret information. Exhibit A is an email that discusses the development of a  
28 confidential design. If this information was made public, it could irreparably harm Defendants.

1       6.      The entireties of Exhibits 11 and 15 to the Chang Declaration likewise contain  
2 highly confidential trade secret information. Exhibit 11 is a presentation regarding Uber's highly  
3 confidential detailed market strategy and Exhibit 15 is an expert witness deposition discussing  
4 proprietary trade secrets. If this information was made public, it could irreparably harm  
5 Defendants.

6       7.      I understand that these trade secrets are maintained as confidential by Uber and are  
7 valuable as trade secrets to Uber's business. The public disclosure of this information would give  
8 Uber's competitors access to in-depth descriptions and analysis of Uber's detailed market strategy  
9 information. If such information were made public, I understand Uber's competitive standing  
10 could be significantly harmed.

11       8.      Some of the highlighted portions of the Sur-Reply, the Lebby Declaration, the  
12 Haslim Declaration, the Chang Declaration, Exhibit 26 to the Lebby Declaration, Exhibits 12 and  
13 14 to the Chang Declaration, and the entirety of Exhibit 27 to the Lebby Declaration have been  
14 designated by Waymo as either confidential or highly confidential. Waymo's designations are  
15 highlighted in green in the unredacted copies of the declarations and exhibits.

16       9.      The entirety of Exhibit 2 of the Lebby Declaration and Exhibit 15 to the Chang  
17 Declaration contain highly confidential information. Exhibit 2 to the Lebby Declaration and  
18 Exhibit 15 to Chang Declaration are excerpts the deposition transcript of Waymo's expert witness  
19 discussing both Uber confidential trade secret information and Waymo's alleged trade secrets  
20 regarding sensor design. The entirety of the expert witness's deposition transcript has been  
21 designated "Highly Confidential – Attorneys' Eyes Only" until the parties can exchange  
22 confidentiality designations.

23       10.     Uber's request to seal is narrowly tailored to those portions of the Sur-Reply and  
24 its supporting papers that merit sealing.

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1 I declare under penalty of perjury under the laws of the United States that the foregoing is  
2 true and correct. Executed this 28th day of April, 2017, in Palo Alto, California.  
3  
4

*/s/ Michelle Yang*

Michelle Yang

6 **ATTESTATION OF E-FILED SIGNATURE**

7 I, Arturo J. González, am the ECF User whose ID and password are being used to file this  
8 Declaration. In compliance with General Order 45, X.B., I hereby attest that Michelle Yang has  
9 concurred in this filing.

10 Dated: April 28, 2017

*/s/ Arturo J. González*

Arturo J. González

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